

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EDWIN RUA
Plaintiff,

V.

OFFICE OF THE SHERIFF
GUY W. GLODIS (other Deputies)

MEDICAL DEPARTMENT STAFF

KATHY WISNIEWSKI (Medical Dept. Director)

SUE ROGERS (MD)

GERALDINE SOMERS (Primary care physician)

THOMAS PATNAUDE (former primary care physician)

PAM JONES (Nurse)

UN-NAMED MEDICAL STAFF

UN-NAMED SECURITY STAFF

et, al.
Defendants.

DOCKETED

42 U.S.C. §§ 1983, 1985, 1986.

CIVIL RIGHTS COMPLAINT

The Plaintiff, EDWIN RUA, files this initial complaint pursuant to 42 U.S.C. §§ 1983, 1985, 1986 for multiple Civil Rights Violations that initiated from an MOTOR Vehicle accident while being transported by the Worcester Sheriff's department en route to court as a Pre-trial detainee, and as a result suffering permanent debilitating injuries with in the subsequent weeks, months and years following the (wagon) accident suffered further by inadequate,

and deliberate callouse indifference to his medical care and needs, and while trying to see redress for his informal and formal grievances was not only denied Due Process but punish and thereby violating his Rights Under U.S. Constitutional Amendment or protection of the FIRST, FOURTH, FIFTH and EIGHTH AMENDMENTS that culminate to obliteration of the FOURTEENTH AMENDMENT for Violations of Equal Protection and application of redress, and punishing the plaintiff by illegal seizure on suicide watch hours after the Motor Vehicle accident being cruel and Unusual punishment in concert with his medical pain and suffering of which Due Process was, and is presently being denied and Void by the Sheriff's custom useage, and policy of allowing medical staff to deny proper and adequate medical Health care and treatment in the interest of budgets etc. and refusing grievances to medical issues by security staff assistance, and the punishment of persistant efforts to seek redress and Due Process while acting under the Color of Law Violating Civil Rights of which are clearly establish by the Supreme Law of the Land

and denying exhaustion of remedies through the administrative process, and more important - refusing to right a wrong while being in the capacity to do so by intervening or to reform the obvious systematic issues in hand.

The Sheriff, Deputies, medical staff, and Security staff are all being sued both jointly and separately, in the official capacities of which were set aside while performing their official duties... When making personal Un-official decisions in Violation of State, and Federal law and a Violation of Civil Rights thereby being sued in their individual and personal capacities as Violating law and Constitutional Rights and privileges, is not permissible officially... HENCE... THE ACTION IS NOW COMMENCED.

TABLE OF PARTIES

PLAINTIFF

1) EDWINA

5 PAUL X TIVNAN DRIVE
WEST BOYLSTON MA. 01583

DEFENDANTS,

1) GUY W. GLODIS (sheriff)

5 PAUL X. TIVNAN DRIVE
WEST BOYLSTON MA. 01583

2) UN-NAMED DEPUTIES

5 PAUL X. TIVNAN DRIVE
WEST BOYLSTON MA 01583

3) KATHY WISNIEWSKI (medical Dept. director)

5 PAUL X. TIVNAN DRIVE
WEST BOYLSTON MA 01583

4) SUE ROGERS (medical Dept. MD)

5 PAUL X. TIVNAN DRIVE
WEST BOYLSTON MA. 01583

5) GERALDINE SOMERS (present primary care physician)

5 PAUL X. TIVNAN DRIVE
WEST BOYLSTON MA 01583

6) THOMAS PATNAUDE (former primary care physician)

5 PAUL X. TIVNAN DRIVE
WEST BOYLSTON MA 01583

7) PAM JONES (medical Dept. nurse)

5 PAUL X. TIVNAN DRIVE
West BOYLSTON MA 01583

8) UN-NAMED MEDICAL STAFF
5 PAUL X. TIVNAN DRIVE
WEST BOYLSTON MA. 01583

9) UN-NAMED SECURITY STAFF
5 PAUL X. TIVNAN DRIVE
WEST BOYLSTON MA. 01583

JURISDICTIONAL STATEMENT

This Honorable court has jurisdiction over the subject matter, persons and entities, corporations, government insurers, contractors, subcontractors, employees or agents as well as the Plaintiff who all worked, lived, resided and and caused, and executed damages to plaintiff that occurred starting in July 25 2008 through present filing date and continuing to date under the color of Law. In or about the city of Worcester Massachusetts and the town of West Boylston at the worcester county jail and House of Correction.

THE DEFENDANTS CAUSED AND INFLECTED INJURIES

The Plaintiff EDWIN RUA, asserts the harms and damages suffered preliminarily as the actual Physical Preminent Injuries from the Worcester Sheriff's Dept paddy wagon accident, and

and continuing actual pain and suffering, depression, anxiety, duress, stress, fear, mental anguish, civil Rights Violations, and not limited to physical disability.

COMPLAINT FORMAT ON REVIEW AND STANDARD

This Complaint is filed and presented in format as articulated in Fed.R.Civ.P. 8(a) and 10(b) respectively of which all defendants formats are also required in subsequent filings as a matter of Law.

PRELIMINARY IMMUNITY STRIKE

These defendants both one and several are severed from the Eleventh Amendment cloak of protection as they relinquished professionalism for personal decisions and violative unpublish policies that violate clearly establish law and now as persons lay bare to the instant suit by virtue of the forthcoming FACTS and EXHIBITS.

"FACTS"

- 1) On March 18, 2008, The Plaintiff Edwin Rua was arrested the Vice Squad Unit, from Worcester Police Department.
- 2) On March 20, 2008, Plaintiff was admitted to the Worcester County Jail and House of Corrections awaiting trial.
- 3) On March 20, 2008, Plaintiff went through a medical examination at jail. No injuries, no medications, no chronic medical conditions (see EXHIBIT, A)
- 4) On March 26, 2008, At the jail medical Dept. performed physical examination, and a check up for medical conditions (assessment good Health) physical examination was completed on 04-02-2008 (see. EXHIBIT, B)
- 5) On July 25, 2008, Plaintiff was being transported to court by the Worcester Sheriff's Dept. The operator of the wagon was involved in a negligent motor vehicle accident en route the plaintiff's court hearing, plaintiff was in the wagon hands and legs cuffed to waist. No seatbelts in wagon, aside from another inmate.
- 6) Motor vehicle accident occurred on route 495 south. The wagon driver just before accident was driving recklessly, well over the speed limit,

at the same time using a cell phone.

- 7) In the course of the wagon accident plaintiff was sent flying forward into the metal wall head first, landing hard on the wagon floor, proceeding with the other inmate smashing on top of plaintiff who then lost consciousness from the impact of the accident (neither inmate was scathed).
- 8) About 15 minutes after the accident plaintiff awoke to find the other inmate on top of him crying, yelling etc. from pain. Plaintiff was in severe pain at the time, not well conscious.
- 9) Inside the garage of the Lawrence District Court house, the plaintiff had to be taken out the wagon by the fire Dept. in a stretcher to an ambulance, to the emergency room at Lawrence General Hospital (see EXHIBIT, C)
- 10) Still on July 25, 2008, a few hours after the accident plaintiff arrived back to the Worcester County jail where he spoke to medical Dept. staff, who then send him to same unit where he was in the jail. Then shortly after being in same unit J Block plaintiff was brought back to speak to medical staff.
- 11) Plaintiff spoke to medical staff who at that point were very indifferent and rude while he explained in detail about the wagon accident, and about his medical severe pain condition etc.
- 12) Medical staff told security staff to place plaintiff in Unit A 1 which was suicide unit

at that time. Plaintiff continued persistently to complain about severe head, back pain etc. But medical staff continued to elude his medical condition, saying that there was nothing wrong with plaintiff. (See. EXHIBIT D).

13) In unit A 1 the living conditions were horrible, no mattress, no privilege property or property at all, no legal mail, pens, tooth brush. the plaintiff was (completely seized) and light in cell was on 24 hours a day.

14) Same day of accident in Unit A 1 I was giving motrin and was told repetely that me the plaintiff was lying, that if complaining persisted plaintiff would remain in Unit A 1 for a long period of time. then UN-named nurse shut trap door on plaintiff's face.

15) In the subsequent days that plaintiff was in unit A 1 he requested for medical slips, grievances, and informally complaint about pain and living conditions or to speak to a captain. Instead UN-named nurses continued to shut cell trap door on his face.

16) On or about August 1, 2008, Plaintiff was transfered from unit A 1, to Unit Maxi B wich was the whole (segregation unit) then transfered to general population Unit maxi C.

17) In unit Maxi C. Plaintiff requested for grievances, but was told that Medical Dept. couldn't be grieved.

- 18) From August 2, 2008, Plaintiff filed countless medical slips explaining his severe pain and suffering, and about medical condition to medical Dept at the jail. The plaintiff could hardly get out of his cell due to injuries and medical condition, (see. EXHIBIT, E).
- 19) Plaintiff was prescribed 4 Naprosen pills a day for the pain he was experiencing without relief.
- 20) On October 29, 2008, Plaintiff was taken to Saint Vincent Hospital in Worcester for an M.R.I. After M.R.I. Plaintiff was prescribed 4 Ultram pain pills a day. At this point plaintiff was indeed taking 10 pills a day (see. EXHIBIT, F).
- 21) On November 11, 2008, Plaintiff filed medical slip to request for M.R.I. results. Yet no answer from medical Dept. Plaintiff continued to file medical Slips about pain and medical condition, but he was being eluded by medical Dept. (see. EXHIBIT, G).
- 22) On January 16, 2009, Plaintiff was taken to Saint Vincent Hospital in Worcester, there MD THOMAS F. Mullings stated that plaintiff suffered a few fractures to spinal areas, and referred physical therapy (see. EXHIBIT, H).
- 23) From January 26, 2009, Plaintiff continued to Complaint about his deteriorating medical Condition to the next months ahead. (see. EXHIBIT, I).

- 24) On February 8, 2009, Before going to Court the plaintiff went to the infirmary, he told medical staff that he was in severe pain, and asked why he wasn't giving his meds. He was told by the un-named nurse to stop lying about medical condition, then plaintiff asked for a tylenol, nurse continued yelling and refused same un-named nurse who kept shutting cell trap door at Unit A.1. When plaintiff returned from court was lock in (pending a disciplinary hearing (see EXHIBIT J).
- 25) On February 21, 2009, Nurse PAM JONES came to plaintiff's cell gave him his meds. Plaintiff swallowed meds. then nurse told security staff to lock plaintiff into disciplinary action, which he was, and was found guilty and received 14 days in lockdown. From then on nurse PAM JONES started to crushed plaintiff's meds, which he was unable to consume due to the manner in which meds. were crushed, leaving plastic residue from little bag med container. (see EXHIBIT K).
- 26) On March 30, 2009, Plaintiff personally spoke to THOMAS PATNAUDE, primary care physician, about his pain and suffering, and medical condition, but physician THOMAS PATNAUDE from the Worcester County jail told plaintiff that he had a bad back, that there was nothing they could do for him because plaintiff was in jail. Plaintiff continued to complain and request for treatment and grievances, but was told he couldn't grieve medical Dept.

- 27) On May 19, 2009, Plaintiff was taken to Saint Vincent Hospital. MD Alberto Cabantog referred spinal injections, and again physical therapy (see EXHIBIT, L).
- 28) On June 04, 2009, Jail Medical Dept. followed through with PT that was first referred by M.D. A. Cabantog on January 16, 2009 (see EXHIBIT, H) and (Fact 22) "Delay".
- 29) On or about July 10 2009, Plaintiff filled out a Authorization release form request for his medical records, filled out medical request as well. And spoke to mental health (see EXHIBIT, N) "Yet No records".
- 30) On July 18, 2009, Plaintiff filed grievance about Medical Dept. Inadequate medical treatment, delaying access to Hospital treatment, and his deteriorating medical condition. etc. (see EXHIBIT, N).
- 31) On August 01, 2009, Plaintiff was called to infirmary there was nurse Pam Jones who stated yelling that plaintiff wouldn't see another MD once again, and that Medical Dept. weren't going to provide any more medications. Plaintiff then asked Lt Anderson for a grievance Lt refused.
- 32) Plaintiff filed grievance on August 3, 2009, about being taken off his meds, and medical Dept. continuing disregard of Outside Hospital referrals, and his poor painful medical condition (see EXHIBIT, O).
- 33) On August 13, 2009, Plaintiff wrote letter to jail Deputy about Nurse Pam Jones harassment, and deliberate indifference to his medical condition, and poor medical condition. (see EXHIBIT, P).

- 34) On August 14, 2009, Plaintiff was taken to Saint V. Hospital, there MD referred once again Spinel injections ASAP, because plaintiff failed to show for prior appointment. (see. EXHIBIT, Q) and first referral (see. fact, 27).
- 35) On August 27, 2009, Plaintiff personally spoke to Asst. Superintendent Mr. Timothy Hall, about jail's medical Dept. deliberate indifference and harassment to his serious medical conditions, and their disregard of orders and Hospital requirements. Mr T. Hall at one point told plaintiff that Spinel injections were already performed, which was not true. He was misled by jail Medical Dept.
- 36) By August 28 2009, Plaintiffs pain medications were still being crushed when ever 2nd shift nurse Pam Jones worked, Plaintiff was in fact Unable to consume meds most of the time, because of the manner that the meds were being crushed in a little plastic bag, leaving plastic residue mixed with pain meds.
- 37) On September 06, 2009, Plaintiff was denied a request for a grievance by Security staff like many times before, Plaintiff was told he couldn't grieve medical Dept.
- 38) On September 22, 2009, Plaintiff had Spinel injections done, and MD from outside Hospital referred plaintiff to continue with pain meds. Yet jail medical Dept. didn't follow with referral, not considering painful aftermath of this Spinel injections at beginning (see. EXHIBIT, R).
- 39) On September 23, 2009, Plaintiff was in excruciating pain from injections, and requested to medical staff for any kind of pain reliever before going to court. He was denied, and was left to suffer.

- 40) On October 03, 2009, Plaintiff filed grievance about the lack of diagnosis, and inadequate treatment, deliberate indifference, not being properly medicated, and his lost of sense of feeling in left side of head etc. (see. EXHIBIT, S) Grievance denied as prior grievance.
- 41) On October 07, 2009, Plaintiff had court and was awake by security staff telling him to hurry, plaintiff said he couldn't because of his medical condition, CO threaten him and stated that he didn't give a fxxx this security staff were from 3rd shift.
- 42) Plaintiff On October 08, 2009, wrote letter to Deputy Mr. T. Hall about inadequate treatment, and misleading by jail medical Dept. (see. EXHIBIT, T).
- 43) On November 03, 2009, Plaintiff was taken to Saint V. Hospital, MD. A. Cabantog referred a 2nd MRI. and stated to plaintiff, that you may need open surgery for your injuries (see. EXHIBIT, U).
- 44) On November 19, 2009, Plaintiff was taken for MRI. at Saint V Hospital (see. EXHIBIT, V).
- 45) On November 20, 2009, Next day of MRI. Plaintiff was called to infirmary and spoke to primary care physician Geraldine Somers, who told him, it was nothing wrong with him, that MRI. results didn't show anything bad. Plaintiff replied why then he was in so much pain. G. Somers replied is probably some nerve problem which is common in people.
- 46) On December 15, 2009, Plaintiff was called to infirmary from his persistent medical complaints, about chronic pain, But MD G. Somers cut plaintiff off and stated deal with it

referring to his medical painful condition, MD Geraldine Somers also stated that they couldn't do anything about medical condition, because Plaintiff was in jail. MD was very uppity.

47) On December 17, 2009, Plaintiff wrote letter to director of jail medical Dept. Kathy Wisniewski about MD Somers and MRI results. Plaintiff was confused he never saw his medical records (see. EXHIBIT, W).

48) On December 18, 2009, Plaintiff wrote letter to Asst. Superintendent Timothy Hall with he corresponded, and Plaintiff did as well, because again he was lied to, by jail medical Dept. (see. EXHIBIT, X).

49) On January 23, 2010, Plaintiff filed grievance about jail medical Dept. denial, and delaying access to outside Hospital treatment etc. (see. EXHIBIT, Y). "Grievance denied."

50) Un-known date Plaintiff wrote to Superintendent.

51) On February 04, 2010, Deputy replied to Plaintiff by letter again Deputy was lied to by medical Dept. at jail. Plaintiff replied with a clarification letter. (see. EXHIBIT, Z).

52) On March 05, 2010, Plaintiff filed grievance about him not being treated for his head injuries, and about jail medical Dept not following referral for pain meds. and the deterioration of his medical condition (see. EXHIBIT, AA).

53) On April 04, 2010, Plaintiff wrote to Superintendent because he never received an answer from prior grievance from March 05, 2010 (see. EXHIBIT, BB).

54) On April 08, 2010, Plaintiff was taken to Saint V. Hospital to see MD. Alberto Cabanog who told Plaintiff that there was suppose to be an appointment set months from then

that plaintiff might still need surgery, and that MD A. Cabantog knew of people that had similar medical conditions that couldn't even get up out of bed, that he didn't want the plaintiff to die or have a stroke. MD A. Cabantog tried to reach MD G. Somers by telephone, but jail told him MD Somers didn't work at jail anymore. "MD Somers always remained primary care physician".

55) On May 13, 2013, Plaintiff was taken to see a Hematologist. MD or hematologist stated plaintiff didn't have sickle cell disease. Yet No blood test was performed.

56) On June 03, 2010, Plaintiff filed grievance about jail medical Dept. Continuing to interfere with outside Hospital rehabilitation services (see EXHIBIT CC) "Denied".

57) On July 13, 2010, Plaintiff wrote to Superintendent of jail about, being unmedicated, and about medical Dept. in jail not following referrals by outside MD. Intervention of treatment (see EXHIBIT DD) → is EXHIBIT DD.

58) On July 20, 2010, A 258 claim was timely filed in behalf of the plaintiff. Certified mail, and hand delivered to Sheriff's office of Worcester County Jail, and to Attorney General, Martha Coakley (see EXHIBIT EE).

59) On July 27, 2010, Plaintiff was taken to Saint V. Hospital to see A. Cabantog, he referred once again for pain medication, which plaintiff hadn't been taking, since MD A. Cabantog last referred on September 22, 2009. In this cruel manner the jail medical Dept. subjected the plaintiff to undue pain and suffering with out pain meds for about 11 months.

- 60) On August 20, 2010, Plaintiff back to physical therapy at Saint V. Hospital, in severe pain, the plaintiff is not the same athletic person he was prior to Motor Vehicle accident.
- 61) On September 02, 2010, Plaintiff wrote letter to Kathy Wisniewski Director of medical Dep't about nurse Pam Jones, placing meds into her bear hand, without gloves on, and disabling plaintiff to consume meds, and risking the Unit at Maxi.C. who are all pre-trial detainees to the flu, diseases etc. (see EXHIBIT, FF).
- 62) On September 07, 2010, Plaintiff at physical therapy at Saint V. Hospital, in severe back and head chronic pain, disabling pain with plenty of other medical complications.
- 63) On September 15, 2010, Plaintiff filed grievance about nurse Pam Jones, continuing to grab medications without gloves purposely, disabling Plaintiff to consume his prescribed meds (see EXHIBIT, GG). Denied practically because it was originally approved by coordinator but same malicious method continued, by nurse.
- 64) On September 16, 2010, Plaintiff PT at Saint N. Hospital in severe pain, depress, stress etc. from his deteriorating medical condition. Plaintiff cried in this PT section.
- 65) On October 11, 2010, Plaintiff wrote letter to superintendent about nurse Pam Jones callous indifference with handling detainees meds (see EXHIBIT, HH).
- 66) On October 19, 2010, Plaintiff filed grievance seeking monetary relief, and other relief from jail (see EXHIBIT, II). "this grievance was as well denied"

- 67) On November 10, 2010, Plaintiff was taken to Physical therapy at Saint Vincent Hospital. Again prove of intervention by jail medical Dept. since Plaintiffs last P.T. session was on September 16, 2010. About two month wait.
- 68) On November 18, 2010, Plaintiff filed grievance about same issue with nurse PAM JONES who continued to intervene with plaintiffs consume of medication (see EXHIBIT JJ). "Grievance denied."
- 69) On November 19, 23 and 30, 2010, The plaintiff was taken to P.T. at Saint Vincent Hospital and plaintiff was in severe chronic pains head and upper, lower and disk excruciating pain with out relief.
- 70) On November 30, 2010, Was, Plaintiffs assesment day with P.T. Plaintiff was referred by Hospital chiropractor Ms vicky, to See jail Doctor about further treatment. Plaintiffs medical condition not improved.
- 71) December 2, 2010, Plaintiff present medical condition: lost sense of feeling in leftside forehead, head aches, dizziness, depression, anxiety, disabling pain, in conjunction with discomfort, chronic back pain, tingling, stiffness, irregular heart beat at times, difficulty sleeping, sitting, bending etc...

RELIEF BEING SOUGHT

Relief being sought through defendants from the government offices and persons or individual therein who were or are acting under the color of law, either directly or indirectly in whole or in part or from agencies, businesses, or private corporations that are as well acting under the color of law, either directly or indirectly in whole or in part is; Declaratory judgement, injunctive relief, Summary judgement, Compensatory and punitive recovery and damages, for past and future pain and suffering, for emotional past and future pain and suffering, as well as for future physical impairment, for medical care and rehabilitation services sustained in the past and future, for loss capacity for enjoyment of life sustained in the past, and for loss of capacity for enjoyment of life that in reasonable probability will be sustain in the future, and damages with any other relief this Honorable Court deems just or appropriate.

REQUEST AND DEMAND FOR TRIAL BY JURY

I the Plaintiff EDWIN RUA claim, request and assert to exercise my Right under the FIFTH and SEVENTH Amendments of the Bill of Rights to the United States Constitution Demand for a trial by jury.

OATH

I HEREBY DECLARE, UNDER THE PENALTY AND PAINS OF PERJURY, THAT ALL FACTS, CLAIMS AND ALLEGATIONS 'SUPRA' ARE TRUE AND ATTACHED TO PARTIES IN GOOD FAITH.

DATED: 12/06/2010

Respectfully Submitted,
EDWIN RUA 

PRO-SE
5 PAUL X. TIVNAN DRIVE
WEST BOYISTON MA. 01583


CERTIFICATE OF FEDERAL, STATE SERVICE

I hereby certify a true copy of the foregoing Notice of civil Rights and personal injury action, and all other Exhibits, attachments and notices have been served via certified mail U.S. postal service to:

(a) UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
595 MAIN STREET, ROOM 502
WORCESTER, MA 01608

(b) Hon. MARTHA COAKLEY
OFFICE OF THE ATTORNEY GENERAL
ONE EXCHANGE PLACE
WORCESTER, MA 01608

DATED: 12/06/2010

Respectfully Submitted,

EDWIN RUA
5 PAUL X. TIUNAN DRIVE
WEST BOYLSTON, MA. 01583
MSA#0092938

CERTIFICATE OF SERVICE

Herewith with the Complaint I send the followings:

1. A Civil Cover Sheet
2. A Civil Category Sheet
3. Summons for each defendant
4. An Ao 240 application to proceed without fees or costs, with submitted affidavit, and Certified proof of my institutional equivalent for the prior six months.

Dated 12/06/2010

CC:
United States District Court

Respectfully submitted,



Edwin Rua
MSA#0092938
5 Paul X Tivnan Drive
West Boylston MA 01583